

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CRIMINAL NO. 12-00068-CG
)	
JESSE ANDRE HEARD, <u>et al.</u>,)	
)	
Defendants.)	
)	
IN RE: The Ancillary Proceeding)	
Petition of Beverly Heard,)	
who may also be known as)	
Beverly Williams,)	

ORDER

This matter is before the court on the ancillary proceeding petition of Beverly Williams (Doc. 427), and the Government's response (Doc. 433) moving to dismiss the petition, or, alternatively, requesting that the petition be deemed moot, in light of the Government's filing of a separate civil forfeiture action against the same property in which petitioner's petition claims an interest.

The records of this court show that on March 12, 2013, the Government did file a separate civil forfeiture action against the real property to which Beverly Williams' petition relates, namely, United States v. One parcel of real property and all improvements thereon located at 801 East Franklin Avenue, Foley, Alabama, Civil Action 13-00117-CG-C. Therefore, all issues related to the forfeiture of the property, including petitioner Williams' interest in it, may and should be litigated within the civil forfeiture action. As a result, based on the records of the court, along with the facts and authorities submitted by the Government, the

Government's motion is **GRANTED**. The petition of Beverly Williams is hereby **DISMISSED** pursuant to Rule 32.2 (c)(1)(A) for the above-referenced lawful reason.

THEREFORE, all further proceedings related to the forfeiture of 801 East Franklin Avenue, Foley, Alabama, are to be conducted in the civil forfeiture action.

DONE and ORDERED this 13th day of March, 2013.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE